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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 46th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 17 April 1996, at 3 p.m.

Chairman: Mr. LEGAULT (Canada)

later: Mr. VERGNE SABOIA (Brazil)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

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The meeting was called to order at 3.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1996/3, 4 and Corr.1 and Add.1 and 2, 6, 7, 9, 12, 16 and Add.1, 54-57, 59-65, 66 and Corr.1 and 2, 67 and Add.1, 68, 69, 107, 111, 114, 115, 119, 121, 122-131, 133, 135, 139, 145, 146, 149, 150, 154; E/CN.4/1996/NGO/9, 10, 12, 16-18, 21, 29, 30, 36, 44, 52, 54, 57, 58, 62, 67-69, 80, 87; A/50/471, 567, 568, 569, 663, 734, 767, 894; S/1996/203)

1. Mrs. HERTZ (Chile) said that consideration of the situation of human rights in various countries was one of the most important aspects of the Commission's work, but also the most controversial; it was felt to be too politicized to encourage interference in the internal affairs of States and to be subject to selective criteria; in short, it was seen as allowing certain countries to impose their political designs on others. Such arguments were liable to restrict the Commission's activity and inhibit international cooperation in the field of human rights. Her Government considered that it was unacceptable for a country to use its own legislation as an excuse to evade the supervision of the international community and that the Commission's mandate must be maintained, with its thematic procedures and its country procedures. The United Nations High Commissioner for Human Rights also had a very important role to play in human rights defence mechanisms, given his preventive diplomacy and early warning capacities.

2. At the current session, stress had constantly been placed on the special role of cooperation in human rights and that of the basic human rights instruments - the Charter of the United Nations, the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action. The importance of non-selectiveness, the elimination of duplication and the constant pursuit of consensus had also rightly been emphasized. Given certain situations closely linked to known conflicts between States, some degree of stringency was essential in defining forms of international cooperation in the service of human rights, which should be regarded as an end and not as a pretext.

3. On that basis, international cooperation in human rights could only take one direction - from the international system to the countries concerned. For particularly serious abuses, all the appropriate machinery - special rapporteurs, thematic procedures, etc. - needed to be called in to coordinate efforts and avoid duplication. It was the strengthening and not the weakening of the existing machinery which should be envisaged, while at the same time the establishment of relations of goodwill between the countries in question and the international system should be encouraged. Progress, too, must be effective and capable of verification.

4. Her delegation had at previous sessions insisted on the need to explore means of distinguishing between countries which were keen to cooperate and those which showed a flagrant contempt for the international system by

systematically refusing to cooperate with it at all. The Commission could, for example, include a separate item in its agenda for the consideration of the situation in countries which expressed a genuine desire to cooperate, while reserving agenda item 10 for serious situations where cooperation was absent. That approach would also enable assistance and resources to be concentrated on the former group of countries and allow agenda item 17 on advisory services to be "cleaned up" by restoring its true meaning.

5. Lastly, her delegation wished to express its appreciation of the work of the special rapporteurs, as well as that of the non-governmental organizations which helped the victims of human rights violations.

6. Mr. PARREIRA (Angola) said that his Government was very concerned about the perpetuation of an unacceptable status quo in Cyprus and a conflict which had been going on for more than 20 years. The proposal by the Cypriot authorities to demilitarize the island deserved the Commission's support. All restrictions preventing displaced persons and refugees from returning home should be lifted and the fate of missing persons should be ascertained. His Government, which would welcome the speedy implementation of all United Nations resolutions and particularly Security Council resolution 939 (1994), unreservedly supported the efforts of the Secretary-General aimed at a settlement of the Cyprus question based on the concept of a bi-communal and bi-zonal federation, with a single scvereignty, citizenship and international personality.

7. Mr. SALOMON (Observer for Zaire) said that the Minister of Justice of Zaire had already reacted to the latest report of Mr. Garretón, the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1996/66). The failure of the Government of Zaire to reply to certain of the Special Rapporteur's questions indicated that his allegations had not been exposed to contestation and that his conclusions should therefore be reconsidered. In addition, the facts reported by the Special Rapporteur had not been verified and their context had not been taken into account. Lastly, the Special Rapporteur had visited only three of Zaire's 11 regions.

8. The Government of Zaire wished to stress that the signing of an agreement to open an office of the United Nations High Commissioner for Human Rights in Zaire was only a matter of days away. Furthermore, the process of democratization was irreversible, as the existence of the National Electoral Commission, the Inter-ministerial Liaison Commission and the Commission for the drafting of the Constitution of the Third Republic demonstrated, and would be put to a referendum.

9. Where ethnic violence was concerned, contrary to the assertions of the Special Rapporteur, there were still Kasai in Shaba. The international community must speed up the repatriation of refugees, in order not to impede the electoral process. It should also be pointed out that the granting or withdrawal of nationality was a matter of State sovereignty in accordance with the laws of that State. No constraints were placed on the NGOs which defended human rights, but they were required to conform to the law. In its latest report on the situation of human rights throughout the world, the American Department of State had stated that Zaire was one of the few countries which tolerated those NGOs, adding that no constraints were placed on their work

there. Lastly, the armed forces did not have complete impunity and a large number of judicial decisions had been handed down against the perpetrators of human rights violations.

10. His Government therefore requested the Commission to take into consideration the progress made since the completion of the Special Rapporteur's report and already described by the Minister of Justice of Zaire. The accession of Zaire to United Nations machinery for the protection and promotion of human rights should also be reaffirmed.

11. Mr. KUZNIAR (Observer for Poland) said that his Government was strongly convinced of the importance of the open debate which the Commission devoted to the question of the violation of human rights in any part of the world - whether in politically "easy" cases or on the territory of well-established powers, but also in newly independent countries and territories. While fundamental rights and individual freedoms were violated in many countries, it was often women and children who were in addition the victims of inhuman or degrading treatment. In situations of armed conflict, all fundamental rights were flouted. Thousands of people throughout the world were imprisoned or tortured and millions of others were experiencing misery. As for discrimination, no region of the globe was spared. When such abuses occurred in the context of internal armed conflict, and particularly when the exercise of the right of self-determination was at stake, the United Nations remained helpless.

12. In the former Yugoslavia, the progress made since the conclusion of the Dayton International Peace Agreement remained precarious; the degrading practice of ethnic cleansing had not been halted and there were still hundreds of thousands of refugees. That was yet another example of a situation in which the United Nations should deal with the problem of impunity in order to be able to ensure the protection of human rights. In the cases of Burundi, Nigeria, Sudan and Chad, the United Nations had not reacted as it should have done. The European Union had referred to many countries, in Europe, the Americas, Asia and Africa in its statement, which his delegation fully associated itself. Chechnya was yet another example of the failure of the international community, including the United Nations, to respond.

13. Given the lack of effectiveness of the international community - sometimes despite its diplomatic and technical efforts - public debate was the last resort for improving the human rights situation. The confidential procedure provided for in Economic and Social Council resolution 1503 (XLVIII) for dealing with gross violations of human rights was inadequate. Not all the situations studied in the framework of that procedure revealed "a consistent pattern of gross and reliably attested violations of human rights" and not all the countries concerned by those situations were subjected to the procedure. It therefore seemed that something had gone wrong with the procedure at the selection stage. It also fell short in terms of its results, thus calling in question the credibility of the United Nations. Lastly, not all countries which came under the confidential procedure even appeared before the Commission.

14. In conclusion, it was imperative to re-examine the procedure for which resolution 1503 provided, in order to reform it or establish a totally new procedure.

15. Mr. MELIK-CHAKHNAZAROV (Observer for Armenia) said that it was paradoxical that many States which had themselves exercised the right to self-determination denied it to population groups on their own territories. Sometimes, too, States defended human rights in one region and violated them in another. In Cyprus, the human rights situation was a matter for concern. It was to be hoped that the United Nations resolutions on Cyprus would be implemented so that the whole population of Armenian, Greek, Turkish, Maronite or other origin could exercise all its rights.

16. Recently, some States had expressed indignation at the violations of the fundamental rights of specific religious groups. It should nevertheless be recalled that the Commission was required to defend the rights of all individuals, whether they were Christians or Muslims or belonged to other religious groups. For example, in the case of Nagorny Karabakh, the representative of an Islamic State who had admitted to particular concern regarding the fate of the Azerbaijani refugees seemed to have forgotten the other 350,000 persons forced into exile by the anti-Armenian pogroms. It was the rights of individuals which must be defended and not those of specific religious or other groups.

17. Mr. RAZZOOQI (Observer for Kuwait) said that his delegation had read with great interest the report of the Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, (E/CN.4/1996/61), which made particular reference to the problem of Kuwaitis and third-country nationals who had disappeared during Iraq's occupation of Kuwait. While his Government felt a particular concern for the protection of the rights and freedoms of the individual in the context of the machinery established by the United Nations and in the spirit of the statement made by the Secretary-General of the United Nations at the opening of the session, the report showed that the rights of the individual were unfortunately the least of the concerns of the Iraqi authorities. The Special Rapporteur had stressed that in Iraq it was the structures of the State which were the cause of widespread and systematic violations of fundamental rights.

18. Five years after the end of the Iraqi occupation of Kuwait and the adoption of General Assembly resolution 45/170 on the situation of human rights in occupied Kuwait, as the Special Rapporteur had stressed in his interim report to the General Assembly (A/50/734), the fate of more than 600 Kuwaiti prisoners of war or missing persons and that of third-country nationals had still not been elucidated. Iraq was clearly violating every clause of the 1949 Geneva Convention by keeping in captivity hundreds of innocent civilians, and perpetuating practices believed extinct. The endeavours of the Tripartite Committee set up under the cease-fire agreement and its Technical Sub-Committee had thus been in vain. Iraq was a contracting party to the international human rights instruments and had the obligation, under Security Council resolutions 686 (1991) and 687 (1991), to release prisoners of war and give an account of their fate, especially since the Iraqi authorities had admitted to having arrested and detained Kuwaitis and nationals of other countries. The international community should therefore put pressure on the Iraqi Government to induce it to release all the prisoners of war and missing persons it held.

19. Mr. DE SANTA CLARA GOMES (Observer for Portugal) said that in 1995 information from various sources had denounced the worsening of the situation in East Timor, ethnic and religious tensions between the East Timorese and the Indonesians and an increase in serious human rights abuses. In the course of the year, 17 prisoners of conscience had been brought to trial and sentenced to prison terms for having organized peaceful demonstrations and 35 prisoners were serving sentences of up to life imprisonment. The demonstrations had been harshly repressed by the armed forces. According to practically all the testimonies available, the growing presence of the armed forces had largely contributed to the tensions prevailing in East Timor.

20. Notwithstanding the progress represented by the establishment of a National Human Rights Commission, Indonesia had not complied with most of the undertakings contained in the Chairman's statements adopted by the Commission in 1992, 1994 and 1995. The Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the United Nations High Commissioner for Human Rights had been invited to the region, but their recommendations had not been followed up. Indonesia had furthermore undertaken to release all persons convicted for non-violent activities, but it had not done so. No significant improvement had been observed regarding respect for the rights of those in custody and cases of torture, particularly during detention, had been reported by the Special Rapporteur on Torture. The practice of arbitrary detention and arrest continued.

21. The Commission had called on Indonesia to facilitate access to East Timor by human rights organizations but, regrettably, several well-known organizations had not been able to visit the region. However, according to the report of the High Commissioner for Human Rights, who had visited East Timor in December 1995, the situation there could and should improve, and that improvement could positively influence the initiation of a political dialogue. His delegation thus supported the establishment in Jakarta, on a permanent basis, of a liaison office of the Centre for Human Rights, which would be responsible for following the human rights situation in East Timor.

22. Mr. BOUCAOURIS (Observer for Greece) said that despite the numerous resolutions adopted by the United Nations over the past 22 years, nearly 37 per cent of the territory of the Republic of Cyprus remained occupied. That state of affairs had a dramatic impact on the human rights situation in the island. The fundamental rights and individual freedoms of the Cypriot people were massively and systematically violated. Some 200,000 Greek Cypriots forcibly expelled as a result of the Turkish invasion were still unable to return home. Their property had been illegally distributed to members of the occupying army and to settlers from Turkey.

23. The violation of the rights of Greek Cypriots in enclaves within the occupied zones was also a matter of extreme concern. A recent report on the United Nations operation in Cyprus described in detail the repressive methods used against individuals. Similarly, according to a report by the United Nations Peace-Keeping Force in Cyprus, the Greek Cypriot and Maronite communities had been refused the right to exercise many of their fundamental freedoms with the aim of ensuring their disappearance from the northern part

of the island. Furthermore, in an effort to eradicate the 9,000-year old culture, the occupying forces continued to plunder and systematically destroy the Cypriot cultural heritage.

24. No discussion of the Cyprus question could ignore the issue of the persons missing following the 1974 invasion. Mr. Denktash, the Turkish Cypriot leader, did not seem to share that concern since he had cynically admitted that, during the invasion of Cyprus, most of the Greek or Greek Cypriot prisoners of war - who were still considered as missing - had in fact been murdered by the Turkish Cypriot irregulars to whom they had been handed over by the Turkish army. Despite that declaration, the Greek Government considered that the work of the Committee on Missing Persons in Cyprus should continue. An exhaustive investigation needed to be made, and if the deaths of those persons were confirmed, their remains should be returned to their families.

25. Mr. SELEBI (Observer for South Africa) said that his country was deeply grateful for the sustained efforts of the United Nations to end the practice of apartheid. The Commission on Human Rights had always been at the forefront of United Nations action in that field and had always brought the weight of its moral authority to bear in that campaign. The South Africans believed that they had a duty to the international community and that they should contribute in their turn to the fight for human rights. South Africa had recently hosted a pan-African conference which had drawn up a draft charter for an African Court of Human Rights. It also wished to contribute to the struggle for the birth of a new world order so that the peoples of the world could live in conditions of democracy, peace, prosperity and equality among nations.

26. The South African authorities had an immense task to accomplish to make all human rights, and especially economic and social rights, a reality for their entire population. The issue of human rights was a global concern and there was still enormous scope for international cooperation in that area. While it was important for a Government to criticize others where human rights were concerned, it must also be capable of recognizing the improvements made. His delegation welcomed the progress towards democratization and respect for human rights observed in Angola, Mozambique, El Salvador, Algeria and Haiti.

27. South Africa accorded priority to human rights in Africa as a matter of principle because the Government believed that Africa should as far as possible deal with its own problems, but also as a matter of practicality in the sense that the experience South Africa had acquired in that respect could be helpful. The South African authorities had never made any secret of the fact that they preferred traditional African methods of personal dialogue between leaders and persuasion in private to public confrontation. When those methods failed, however, other means were required.

28. Mr. Vergne-Saboia took the chair.

29. Mr. HAUGESTAD (Observer for Norway) considered that human rights were universal as well as individual and that they should not be regarded as East-West or North-South issues. Human rights violations must be combated wherever they were encountered. His Government was concerned about the

situation in the former Yugoslavia where the implementation of the civilian aspects of the peace agreement required a commitment by the parties to the conflict as well as the support of the international community. Essential elements in the reconstruction process included ascertaining individual responsibilities for war crimes, full freedom of speech for the media and support for the NGOs. His Government would provide economic assistance to a number of human rights organizations in Bosnia and Herzegovina, Croatia and Serbia.

30. The gross violations of human rights by the parties to the conflict in the Chechen Republic were also a matter of growing concern. The accession of the Russian Federation to the Council of Europe underlined its commitment to ending violence and upholding respect for human rights; the rebel forces must also undertake to respect the same ideals and behave accordingly.

31. In Africa, the establishment of a Truth and Reconciliation Commission in South Africa was an important step forward. In Nigeria, however, the international community had been extremely shocked by the brutal execution of the poet Ken Saro-Wiwa and eight other persons. Those executions were the culmination of a series of violations of human rights and of the international conventions to which Nigeria was a party. His delegation was pleased to note that the Nigerian Government had recently agreed to receive a United Nations fact-finding mission. In Kenya, too, his Government was concerned about the increase in human rights abuses and in the harassment and arbitrary detention of opposition politicians, as well as several cases where the defendant had been denied the right to a fair and independent trial.

32. In the Middle East, the Israeli-Palestinian peace process was going through a critical stage. The current agenda was dominated by counter-terrorist activities and the need to adopt measures to prevent the economic and social conditions on the West Bank and in the Gaza Strip from deteriorating further. His Government was also concerned about the human rights situation in Iran and reiterated its condemnation of the fatwa against Salman Rushdie and the translators and publishers of The Satanic Verses. It urged the Iranian Government to commit itself unequivocally to taking the necessary measures to eliminate the threat of the fatwa and to condemn international terrorism. In Iraq, the Government should put an end to repression and accept the conditions established by the United Nations in order to end the embargo.

33. In Asia, his delegation welcomed the release of Aung San Suu Kyi but regretted that the Myanmar authorities had been unwilling to initiate a dialogue with her and other opposition leaders. It urged to the Indonesian authorities to respect human and trade-union rights in East Timor, including the Standard Minimum Rules for the Treatment of Prisoners. His Government welcomed the steps taken by the Government of China to strengthen the fundamental rights of the individual and invited China to become a party to the international human rights Covenants. China should also be encouraged to allay the fears of the international community concerning violations of human rights reported in China and Tibet.

34. In Latin America, the human rights situation in Colombia continued to be a matter of concern, and it was intolerable that the perpetrators of human rights violations should enjoy impunity. In Guatemala, however, progress had been made in the peace process since the rebels and the Government had ceased hostilities. He urged the parties to do their utmost to reach an agreement on social and economic issues and to sign a final peace agreement in which human rights were fully protected.

35. Mr. MELIK-SHAHNAZAROV (International Association of Democratic Lawyers) said that history had shown that the violation of individual human rights, as well as of the rights of entire populations, was one of the main reasons for the emergence of national liberation movements. Nagorny Karabakh was no exception to the rule. It was at the very beginning of the twentieth century, after the collapse of the Russian Empire, that it had become the object of territorial pretensions on the part of the newly-formed Republic of Azerbaijan. At the cost of heavy sacrifice, the Armenian population had succeeded in upholding its independence. However, after the Sovietization of the Transcaucasian region, Nagorny Karabakh had been attached to Azerbaijan by a decision of the Communist party. During the 70 years of Soviet rule, the Armenian majority, which had made up 96 per cent of the population in 1921, had been subjected to severe discrimination with the result that Armenians currently accounted for only 76 per cent of the population. In December 1991, during the referendum organized in the presence of a large number of foreign observers and in full accordance with Soviet law, the overwhelming majority of the population had declared itself in favour of the independence of Nagorny Karabakh. The response had been armed aggression by Azerbaijan and war. Currently, the army of Nagorny Karabakh controlled 9 per cent of the territory of Azerbaijan, while the army of Azerbaijan occupied 15 per cent of the territory of the Republic of Nagorny Karabakh.

36. The CHAIRMAN observed that the reference by the representative of the International Association of Democratic Lawyers to Nagorny Karabakh as a State was contrary to the rules governing statements by NGOs. He was therefore obliged to suspend the statement of the NGO in question until its content had been clarified.

37. Mr. LITTMAN (Christian Solidarity International) said that the major international humanitarian organizations such as UNHCR, UNICEF or ICRC could only visit a country with the permission of its sovereign Government. Christian Solidarity International, however, was an independent organization and could thus aid people whom such organizations could not reach. In Sudan, it had made certain regions in the Nuba Mountains its priority and had observed that the Beja people, Muslims from northern Sudan, had been subjected to serious violations of human rights by the authorities. Many had been displaced and lived along the border between Sudan and Eritrea in conditions of destitution.

38. The Government of Sudan was continuing to try forcibly to transform a country of ethnic and religious diversity into an Arab Islamic State. That policy, systematically pursued in the Nuba Mountains, was tantamount to genocide. Slavery continued on a large scale in Government-controlled areas of Sudan. The slaves - children and young women for the most part - were taken to the north of the country where they were forced to provide domestic

and agricultural labour and were even subjected to sexual violence. The raids undertaken by the Arab forces against the African towns and villages of the south were frequently accompanied by atrocities, torture, rape and destruction of property. The civil war had created a catastrophe of enormous proportions since over 1.2 million persons had died of starvation and disease, while over 5 million had been displaced since 1983.

39. The time had come for the international community to take a firm stand against the policy of the Sudanese Government and to obtain from it a commitment to cease hostilities against the people of the south and the Nuba Mountains.

40. Mrs. LUNDBERG (Minority Rights Group) said that a kind of culture of violence threatened to undermine the processes leading to peace, reconciliation and respect for human rights. In Sri Lanka, for example, the civil war had led to gross abuses of human rights both by the Government and by the Tamil Tigers. The new Government which had come to power just over 18 months previously had a mandate to seek a peaceful reconciliation. The hopes that had emerged then had been dashed by new attacks by the Tamil Tigers and counter-attacks by Government forces. There were positive aspects, however: the Government was trying to ensure respect for human rights and a parliamentary committee was trying to promote devolution arrangements within broad constitutional reforms. Those measures needed to be reinforced by substantial international aid as the basis of any long-term response.

41. The Palestinians had had their fundamental rights denied in various ways since 1947, notably in respect of education, land, water and political participation. Much attention was currently being given to the West Bank but the situation in the Gaza Strip, which remained as desperate as in the past, seemed to have been forgotten. Assassinations and bombings had been carried out by extremists on both sides with the intention of undermining the peace process yet again. Whatever the provocations, the rights of Palestinians must continue to be promoted alongside the initiatives to reconcile the communities. The Palestinians in Lebanon, Jordan and Israel itself were in danger of being neglected in the peace process and that would create the potential for another major conflict. In order to give the peace process a chance, the right to development must be realized with clear political and economic support.

42. In Northern Ireland, the measures of affirmative action needed to be made more effective. The level of unemployment among the Catholic community was unacceptably high and the Catholics themselves had too low a level of participation in the decision-making process. Compromises were necessary and a political dialogue between all the parties concerned was essential. Financial and political support from the European Union and the United States, for example, could be particularly helpful.

43. All of those cases showed the need for painstaking efforts to reconcile communities and ensure the development of a culture of human rights. A crucial ingredient was to support the human rights NGOs and to encourage the participation of the different communities in the life of society. Care must, however, be taken that the elections did not reinforce ethnic divisions.

Lastly, the international community must provide clear incentives for peace, redress injustices and guarantee human rights for all the communities, an area in which the Commission had a central role to play.

44. Mr. RAMOS HARTA (Movement Against Racism and for Friendship Among Peoples) said that, in the occupied zones of western Sahara, the daily life of the Saharan peoples was one of humiliation, arbitrary arrests, brutal interrogation, torture and disappearances. Between 1975 and 1991 more than 856 persons had disappeared, 300 had been released after spending more than 16 years in prison without charge or trial and 58 had died as a result of ill-treatment, while the fate of a further 526 was still unknown. His organization urged the United Nations to organize a free and impartial referendum on self-determination in Western Sahara, as had been the intention since 1965.

45. On the question of East Timor, he drew the Commission's attention to an incident which had occurred the previous day in Jakarta. At the very moment when the German Foreign Minister was addressing the Commission, German diplomats had handed over to the Indonesian security forces a group of eight East Timorese who had sought asylum in the German Embassy. They had immediately been beaten up and taken away to an unknown destination. The East Timorese were Portuguese nationals and thus nationals of the European Union; his organization would therefore take the matter to the European Court of Human Rights.

46. Mr. DA SILVA (Movement Against Racism and for Friendship Among Peoples) told the Commission how he, his father and his brothers, members of the APODETI Party, had been arrested several times since 1989 and subjected to the most brutal tortures by Indonesian soldiers. He owed his life to the intervention of the International Red Cross and the Portuguese Government who had arranged his departure from Indonesia. He appealed to the Commission and to the International Red Cross to protect his family from any reprisals that might result from his testimony and appealed to the international community as a whole to support the setting up of a permanent United Nations centre in East Timor.

47. Mrs. HOREVA (War Resisters International) said that she was speaking on behalf of the mothers of Russian soldiers in the conflict in Chechnya. The Russian Government was engaged in that country in a barbarous war which had already cost the lives of thousands of peaceful citizens. It had reneged on all its commitments under international instruments and had forgotten its noble declarations on human rights. Moreover, it was violating paragraph 80 of the Russian Constitution which enjoined it to guarantee the right to life of its citizens.

48. Since the start of the conflict, the Russian authorities had kept secret the number of soldiers who had died, leaving their families in a state of miserable uncertainty. The number of those dead could be nearly 10,000. More than 700 soldiers were missing and their mothers were wandering in Chechnya looking for them. The bodies were not buried but left to the dogs and the rats in the streets of Grozny. The Russian mothers were aware that it was one and the same human tragedy that united them with the Chechen mothers who also

mourned their children. The Presidential Decree of 31 March 1996 on the settlement of the crisis in Chechnya had in fact resulted in the resumption of hostilities.

49. The mothers of Russian soldiers asked the General Assembly to consider and sanction the Russian Government's failure to comply with its commitments under the International Covenant on Civil and Political Rights, to adopt urgent measures as soon as possible to put an end to the gross violations of human rights in Russia and to envisage the temporary exclusion of the Russian Federation from the United Nations until military operations ceased completely in Chechnya.

50. Mrs. DE CARDENAS (Christian Democrat International) denounced the situation of human rights in Sudan, the main features of which were arbitrary arrests, detention and torture in secret places, extrajudicial executions, religious persecution, displacement and extermination of whole tribes and the reappearance of slavery and child trafficking. Sudan, the largest country in Africa, was being ruined by a 12-year civil war. Non-Muslims, particularly the members of the Coptic Church, the Council of Churches and the Catholic Church, had very little religious freedom and an act of 1991 on crime made the conversion of Muslims a capital offence. Many people were prevented from going abroad, violence against women was rampant and the non-Arab populations were subjected to discrimination in access to education and employment. In December 1995, government troops had attacked the towns of Kadugli and Jeiban with napalm. In the Nuba Mountains they had attacked the Toloshy tribe for resisting conversion to Islam and arabization.

51. In Cuba, her organization regretted that the authorities had prohibited a meeting of representatives of various schools of thought convened by Concilio Cubano, which recommended a peaceful transition towards a democratic State by encouraging dialogue with Cuban residents abroad and, within the country, between the Government and various democratic organizations. Many potential participants had been arrested. Moreover, in giving the order to shoot down two American civilian aircraft over international waters, the Cuban Government had been guilty of a violation of the Convention on International Civil Aviation but also of articles 3 and 5 of the Universal Declaration on Human Rights. Her organization was concerned by the renewed outbreak of repression, not only against dissidents, but also against members of the Government who called for greater openness, and appealed to the Cuban Government to allow the Special Rapporteur on the situation of human rights in Cuba to visit the country and to proclaim an unconditional amnesty for all political prisoners.

52. At the same time she denounced the Helms-Burton Act recently passed by the American Government, which was a violation of the fundamental rights of the Cuban people and in total contradiction with article 32 of the Charter of Economic Rights and Duties of States, and urged both Governments to abandon their intransigent attitudes.

53. Mr. TANAKA (International Movement against All Forms of Discrimination and Racism) said that his organization was greatly concerned by the escalation of the conflict in Sri Lanka which was costing the lives of many civilians and creating hundreds of thousands of refugees. It was obvious that neither

military attacks nor armed resistance would bring any solution to the ethnic problem which brought the Sinhalese and Tamil communities into conflict. His organization also commended the package of political measures proposed by the Government of Sri Lanka to settle the conflict through the devolution of power and urged all parties concerned to resume negotiations to end the conflict and the violence. The mediation of the United Nations or of another Government could be helpful.

54. The consistent pattern of human rights violations in Bhutan should also be denounced. Tens of thousands of citizens had had to flee as refugees to Nepal and India, and the dialogue initiated between the authorities of those countries over the issue of refugee repatriation had so far failed to produce any concrete results. The announcement by the Office of the United Nations High Commissioner for Refugees (UNHCR) that it could not continue to provide aid to the refugees indefinitely had created great insecurity among them. The refugees rejected UNHCR's proposal for local integration and were determined to go back to their own country; they had demonstrated their position by organizing peace marches to Bhutan. His organization asked the Commission to urge the Governments of India and Nepal to negotiate with the Bhutanese authorities for a peaceful solution to the problem and, in consultation with UNHCR, to facilitate the return of the refugees to their country.

55. His organization also wished to denounce police brutality and arbitrary arrests in Bangladesh of the Jumma people who were struggling for recognition of their right to self-determination.

56. Lastly, he drew the Commission's attention to the serious violations of the rights of Greek Cypriots living in the northern part of Cyprus. The Commission should urge the Turkish authorities to implement the recommendations made by the United Nations Peace-Keeping Force in Cyprus and contained in the Secretary-General's report (E/CN.4/1996/54).

57. Mr. ANDREW (Latin-American Federation of Associations of Relatives of Disappeared Detainees) said that since 1988 the Commission had had before it the reports of the special rapporteurs and numerous testimonies of victims on the continued violence and summary executions in Colombia, but had not adopted methods in keeping with the serious nature of the situation. The Colombian Government had systematically ignored the recommendations put forward during four years of advisory services of the Centre for Human Rights, and those of the Special Rapporteurs. The Federation therefore asked the Commission to appoint a special rapporteur on the situation of human rights in Colombia, who could report to the Commission at its fifty-third session.

58. Where the situation in Mexico was concerned, the Federation had studied the reports of the rapporteurs and the working groups, which referred to cases of torture and summary executions. The Working Group on Enforced or Involuntary Disappearances had also included in its report the re-emergence of enforced disappearances and the harassment of human rights personnel and churchmen. The alarming state of affairs in Mexico should receive the Commission's full attention and encourage it to adopt a resolution on the question and to send the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Special Rapporteur on Torture on an urgent mission to that country.

59. In El Salvador, the failure to implement the peace agreements and the recommendations of the various competent national bodies, ONUSAL and the independent expert reflected a disturbing situation. The peace agreements, the implementation of which had been scheduled for 30 April 1996, had not given rise to any specific measure of compensation or of any reform of the Constitution or the penal system. The Government of El Salvador had not withdrawn the reservations which it had entered when ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

60. Mr. ARIF (Afro-Asian People's Solidarity Organization) said that the Government of Pakistan, which had failed to fulfil any of its obligations under the international instruments in force, was making false accusations and spreading disinformation among the population it was supposed to serve. In the south of the country the Mohajir nation was systematically and persistently persecuted by the security forces which carried out numerous illegal arrests, extrajudicial executions, acts of rape, pillaging of houses, brutal interrogations, acts of extortion and murders. The reports of Human Rights Watch and Amnesty International described those acts in detail. The Minister of the Interior had publicly legitimized those crimes and the judicial inquiry bodies were in the pay of the Government and responsible for implementing its policy of genocide. The totalitarian and autocratic Government of Pakistan encouraged terrorism and fundamentalism, although it claimed the contrary, by persecuting Christians and other minorities in the worst possible fashion. For all those reasons, his Organization asked the Commission to appoint a special rapporteur on the situation of human rights in Pakistan to investigate the genocide against the Mohajir nation.

61. Mr. ONDO AYANG (International Movement for Fraternal Union Among Races and Peoples) once again denounced the continuing and flagrant violations of human rights by the Government of Equatorial Guinea. The situation in that country had deteriorated further following the process of transition towards political pluralism initiated in 1991. In November 1993, the Government had called legislative elections which had been held in a climate of terror; they had been boycotted by the democratic opposition and not recognized by the international community. The President, General Obiang Nguemana, intending to perpetuate his period in power, had sabotaged the democratic process and dashed the hopes of many refugees of returning to Equatorial Guinea.

62. The February 1996 elections had cost the lives of 7 citizens, while 278 had suffered cruel and degrading treatment and several thousand were regularly subjected to orders of arbitrary imprisonment. The President-General had given himself a term of seven more years (before 25 February the National Electoral Council, presided over by his cousin the Prime Minister, had already prepared the results of the election, which gave 99.5 per cent of the votes to Obiang Nguemana) and it might well be asked how much longer he would continue to turn a deaf ear to the urgings of the international community. He had diverted the profits of the oil industry for his own purposes and had left his people to die of diseases which had been eradicated elsewhere in the world.

63. His Movement recommended that the presidential elections of 25 February 1996 should not be recognized, that the military regime of General Obiang should be isolated, that preventive diplomacy machinery

should be set up to avoid the blood bath which the current situation portended and to show the oil companies the wrong they were doing to the people of Equatorial Guinea by openly supporting a dictator.

64. Ms. KIRZIN (International Federation of Action of Christians for the Abolition of Torture) drew the Commission's attention to China's failure to prohibit torture completely as required by the Convention against Torture, to which China had been a party since 1988, and to the institutionalization of torture in that country. Chinese law indeed authorized torture, corporal punishment and ill-treatment to extract confessions (arts. 136 and 189 of the Criminal Code), and did not mention psychological tortures, a restriction which took no account of the definition of torture set out in article 1 of the Convention.

65. In his report (E/CN.4/1995/34), the Special Rapporteur on Torture noted that detainees continued to be subjected to torture and to other inhuman or degrading treatment. Among the cases reported to her organization was that of five Tibetan detainees, Tashi Tsering, Gyaltsen Kelsang, Sherab Wangmo, Sherab Ngawang and Sonam Tashi, who had died in 1995 as a result of the torture and ill-treatment inflicted on them. Bao Tong and Wei Jingsheng had been put in solitary confinement for most of their sentence. The political prisoner Hu Jian had died in a lunatic asylum after staging a hunger strike in protest against the inhuman treatment to which he had been subjected.

66. Her organization was concerned at the indulgence of the judicial authorities towards those who committed torture. In 1991, the Court of the County of Pengze (Province of Jiangxi) had passed light sentences on four persons accused of torturing a detainee to death in order to extract a confession from him.

67. Her organization therefore urged China to prohibit officially the practice of torture in any form and hoped that the Special Rapporteur would be able to visit that country.

68. Ms. LACROIX (World Organization Against Torture) asked the Government of Zaire to honour the commitment it had made as part of the agreements concluded in Geneva on 20 December 1995 to suspend the expulsion of Rwandan refugees and to facilitate voluntary repatriation with the support of the international community. It should also cease driving out the Banyamulengues of South Kivu on the pretext that they were not Zairian nationals.

69. With reference to Bhutan, her organization invited the Commission to request that country, as the European Parliament had recently done, to organize, under the supervision of UNHCR, the repatriation of some 900,000 Bhutanese of Nepalese origin currently living in refugee camps in Nepal, and also to guarantee the rights of minorities.

70. In Sudan, although the National Security Council had on 23 August 1995 announced the release of all political prisoners, arbitrary arrests and torture had not ceased. The extreme gravity of the human rights situation required a constant and increased monitoring effort by all the United Nations mechanisms. In Equatorial Guinea, the situation continued to deteriorate, mostly due to the harassment of political opponents, including those who

had been democratically elected. In February 1996, the Mayor of Malabo, Mr. Victoriano Bolekia, had been arrested and tortured, before being released three days later. So far no State agent had been tried for torture or ill-treatment.

71. It was essential that the struggle against impunity should become one of the top priorities of the Commission. The phenomenon had taken on such proportions that it threatened the very credibility of existing international instruments and intergovernmental institutions.

72. Mr. TRAMBOO (International Human Rights Association of American Minorities(IHRAAM)) said that he was deeply concerned by the acts of intimidation and reprisals against individuals and groups seeking to collaborate with United Nations human rights bodies, individuals and NGOs acting in defence of human rights and witnesses and victims of human rights violations and their relatives, as well as by, the virtual impunity enjoyed by those responsible for such acts, which encouraged the perpetration of similar acts.

73. Mr. Jolil Andrabi, a Kashmiri human rights activist who had been due to appear before the Commission, had been brutally murdered in Jammu and Kashmir. Syed Nazir Geelani, another human rights activist who had been taking part in the work of the Commission since 1987, his father and two of his uncles had been arrested on 13 December 1995 and detained until 4 January 1996. IHRAAM was increasingly concerned about the safety of Kashmiri leaders, particularly Mr. Yasin Malik, and their families.

74. He urged the Commission to direct Governments, including the Government of India, to refrain from all acts of intimidation or reprisals against those who cooperated with United Nations human rights bodies, who provided testimony or information to those bodies, who availed themselves of procedures established by the United Nations for the protection of human rights and all those who provided legal assistance to them for that purpose, as well as persons who were relatives of human rights activists or members of NGOs. Since the appeals sent by the Special Rapporteur to the Governments concerned to adopt protection measures for victims of human rights violations, witnesses, relatives or their lawyers had not proved an effective deterrent, the Commission should widen the Special Rapporteur's mandate to permit him to ascertain whether those responsible for acts of intimidation and reprisals were duly prosecuted and punished.

75. Mr. MESDAGHI (International Falcon Movement (IFM)) said that he had been sentenced to 10 years' imprisonment by the Iranian courts for having distributed an opposition newspaper. During his detention, he had been brutally tortured, and his wife, who had also been imprisoned, had undergone the same fate. During the summer of 1988, he had witnessed 800 executions in a single week, and 12,000 political prisoners, most of whom sympathized with the Mujahidin, had been massacred. Executions were still continuing in Iran and outside the country with the connivance of the Iranian embassies. In Iran, even living as an ordinary citizen was an offence. According to AFP, on 12 April 1996, security agents and members of an anti-vice squad had attacked an apartment where a young man was celebrating his birthday and had beaten him up and thrown him from the balcony.

76. The Special Representative of the Secretary-General, Mr. Copithone, who had only been able to remain in the country for six days, and the Special Rapporteurs on the Question of Religious Intolerance and the Right to Freedom of Opinion and Expression had declared themselves very much concerned by the human rights situation in Iran. There had been no news of a number of people who had been arrested when they tried to meet the Special Representative during his most recent visit to Tehran.

77. Where prospects of change were concerned, he asked how an improvement in the situation could be expected when persons of the standing of the Prosecutor-General and the Minister of Justice were known to be among those responsible for the massacre of 12,000 political prisoners in the summer of 1988.

78. Mr. ARCOS BERGNES (Freedom House) said that he was Vice-President of the Cuban Committee for Human Rights and had been arrested in January 1992 by the political police for "enemy propaganda". He had merely reported to the Commission on Human Rights on human rights violations committed by the Cuban Government. After eight months in prison, he had lost 15 kg and was suffering from various ailments. The prison authorities had systematically refused to give him the medication sent to him by his family and the doctors who had examined him were incompetent. They had been unable to detect an 8 cm tumour located only 4 cm from the anus and he now knew that his days were numbered. The Cuban Government was therefore guilty either of criminal negligence or of attempted homicide with malice of aforethought if it had known about the tumour and had not informed him.

79. Only two of the five political prisoners released at the same time as himself, through the efforts of France-Libertés, had been in good health when they left prison: Reinaldo Figueredo Figueredo and Luis Enrique Gonzales Ogra had cancer and Ismael Salvia Ricardo was practically blind.

80. In view of the deplorable conditions in the prisons, the Commission should demand that the Cuban Government should allow the International Red Cross to have unlimited access to all Cuban prisons and that it should comply with the international rules for the treatment of prisoners. The lives of thousands of Cuban prisoners were at stake.

81. Ms. GILLESPIE (Anti-Slavery International) drew the Commission's attention to the situation of human rights on the island of Bougainville where, according to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (E/CN.4/1996/4/Add.2, para. 76), the excesses of the Papua New Guinea Defence Force, amounting to violations of human rights, continued to take place. Since the start of the conflict, the Defence Force had executed more than 500 civilians extrajudicially. In May 1995, despite assurances given to the Commission at its fifty-first session by the Minister of Agriculture, the Government had granted an amnesty whereby the members of the Defence Force would not be prosecuted for human rights violations committed on Bougainville. Was it surprising that such violations continued?

82. In view of the blockade imposed by the Defence Force on the area controlled by the Bougainville Revolutionary Army, the Special Rapporteur had requested the Government of Papua New Guinea to apply the provisions of the Fourth Geneva Convention which guaranteed the right of access of civilian populations to humanitarian aid in cases of armed conflict.

83. On 3 January 1996, Papua New Guinea troops had ambushed the Bougainville Interim Government peace delegation who had been taking part in the peace negotiations under the auspices of the Special Representative of the Secretary-General, although the defence force had given assurance of its safe passage. On 12 January, the Prime Minister of Papua New Guinea had cancelled the preparatory meetings for the proposed peace conference, and then insisted on their taking place in Papua New Guinea, without providing the necessary safeguards to protect the lives of the delegates who had narrowly escaped death during the ambush. In March, he had formally lifted the cease-fire and deployed new troops on Bougainville, further undermining the peace process. On 11 April, the Minister for Defence had called on the Solomon Islands Government to hand over a rebel leader, Mr. Martin Miriori, threatening to "get him back ourselves". Mr. Miriori had obtained refugee status in the Solomon Islands. The effect of the war on Bougainville thus constituted a likely threat to regional peace and stability.

84. Anti-Slavery International requested the Secretary-General to continue to provide his good offices so as to help to achieve a just and lasting peace which would take into account the root causes of the conflict.

85. Mr. KOVALEV (Human Rights Advocates) said that since 1993 the situation of human rights in Russia had once again begun to worsen; prison conditions were inhuman, the Ministry of Foreign Affairs practised torture and acts of discrimination on the basis of national origin were widespread. Many other human rights violations were detailed in the report of the former Commission on Human Rights of the President of the Russian Federation; that report would be submitted to the Chairman of the Commission on Human Rights and to the United Nations High Commissioner for Human Rights.

86. The most severe and the most numerous violations had arisen in the context of the armed conflict in Chechnya. The operation in Chechnya must be considered not as a police action against terrorists, but as a crime against a nation which had already caused the deaths of some 27,000 civilians in the city of Grozny alone. Despite the peace plan recently proposed by President Yeltsin, the destruction of Chechen villages and the bombing of the civilian populations continued. Looting and torture, particularly in the "filtration points", continued. Many regions of Chechnya were closed to the Red Cross, to journalists and to human rights observers. The elections illegally organized in Chechnya in December 1995 against the will of the population had only caused a severe worsening of the military resistance.

87. The criminal acts committed by the Chechen side should also be condemned, particularly the taking of hostages and the extrajudicial executions of Russian prisoners of war, although those crimes could not be measured against the bloody repression on a vast scale by the federal forces.

88. In conclusion, he requested the Commission immediately to appoint a special rapporteur on human rights in Chechnya.

89. Mr. GENIUSAS (International Federation of Free Journalists) said that in 1995 at least 182 journalists had been imprisoned throughout the world and at least 51 had been murdered. The situation of journalists was particularly alarming in Kosovo, Kashmir, China, Tibet, Belarus and Russia.

90. In Chechnya, the Russian empire continued with its scorched earth policy and the extermination of the Chechen people, which had committed the offence of defending its right to self-determination. The Russian authorities had barred journalists and human rights observers from visiting the sinister "filtration camps" and the villages where massacres had taken place, particularly Gudermes, Shutoy Shali, Samashky, Bamut, Argun, Mesket-Yuri and Pervomaiskoye. They refused to listen to the call for a peaceful, negotiated settlement under international observation made by President Dudaev in order to put an end to the sufferings of the population.

91. In January 1996, the representatives of NGOs and democratic political parties of Russia had also appealed for a peaceful settlement of the conflict in Chechnya. The restoration of peace and stability to Chechnya and the Caucasus overall would serve the vital interests not only of Chechnya but also of Russia and the world as a whole.

The meeting rose at 6.05 p.m.